

Art Unit: 2121

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Reeser on 11/10/09.

The application has been amended as follows:

The title was changed to:

“Method for monitoring driven machinery”

In claim 1 line 7, --, using a computer,-- was inserted after “determining”.

Claims 9-22 were cancelled.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/08/09 has been entered.

***Election/Restrictions***

Claims 1-8 are allowable. The restriction requirement among Groups I-IV, as set forth in the Office action mailed on 11/06/08, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 9-22, remain withdrawn from further consideration because they do not require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Response to Arguments***

Applicant's arguments, see pages 7-9, filed 10/08/09, with respect to claim 1 have been fully considered and are persuasive. The rejection of claims 1-3 and 7 under 35 U.S.C. 102(e) as being anticipated by Follin US 2003/0163288 has been withdrawn.

***Allowable Subject Matter***

Claims 1-8 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest determining at least one derived quantity from at least one measured process parameter associated with at least a first of the equipment combinations and from at least one measured process parameter associated with at least a second of the equipment combinations, wherein the at least one derived quantity is associated with at least one of the plurality of equipment combinations and is compared to a measured process parameter to verify an operability of at least one sensor, as recited in claim 1, in combination with the remaining features and elements of the claimed invention. It is noted that examiner is giving patentable weight to the limitation "to verify an operability of at least one sensor" and treating it as a positive recitation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN A. JARRETT whose telephone number is (571)272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan A. Jarrett/  
Primary Examiner, Art Unit 2121

11/10/09